

# ALCOHOLIC BEVERAGE CONTROL BOARD

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DAWN ZIMMER  
Mayor



Robert W. Phillips, Chairman  
Michael Blumenfeld, Vice Chairman  
Steven Bauman, Commissioner

## Minutes of the November 13, 2014 Alcoholic Beverage Control Board Meeting

The meeting was called to order at 6:03p.m.

The Open Public Meeting Act statement was read by Suzanne Hetman, Board Secretary.

**ROLL CALL:** *Present:* Vice-Chairman Michael Blumenfeld and Commissioner Steven Bauman  
*Absent:* Chairman Robert Phillips

Also Present: Suzanne Hetman, Board Secretary; Alysia Proko, Attorney for the Board; Jon Tooke, Director of Public Safety; and Daisy Amado, Recording Secretary

**APPROVAL OF MINUTES:** Commissioner Bauman recommended we table the approval of the October 23, 2014 minutes to the next board meeting and Vice Chairman Blumenfeld agreed.

**APPROVAL OF 2015 MEETING DATES:** Motion to approve the 2015 meeting dates made by Vice Chairman Blumenfeld, seconded by Commissioner Bauman and approved by both members during roll call vote.

### **RESOLUTION ON CHARGES POST-HEARING:**

No. 2K141113-003, Liquor License number 0905-33-135-008, Black Bear of Hoboken, LLC, d/b/a Wicked Wolf Tavern, Case number 14-12.

Board Attorney advised that there was a hearing on this matter on October 23, 2014 with no resolution by plea and the board is required to present a resolution with facts found; and the board needs to memorialize a resolution.

Move to amend dates on the resolution for two day closure to be served from December 30 and 31, 2015 to the dates that appear in the minutes of May 30 & 31<sup>st</sup>, 2015 made by Vice Chairman Blumenfeld, seconded by Commissioner Bauman and approved by both members during roll call vote.

Move to approve the memorialization made by Vice Chairman Blumenfeld, seconded by Commissioner Bauman and approved by both members during roll call vote.

### **PLACE TO PLACE TRANSFER:**

Liquor License number 0905-32-038-003, Morgan Pubster, LLC, a 'Pocket License' to 1414 Grand Street, Hoboken, NJ

Robert Williams, Esq. appeared before the board on behalf of the applicant. Mr. Williams stated that this is a pocket license 32 and the ordinance objection is not applicable. The 500 foot rule is unenforceable providing actual statute. This ordinance was never approved by the State. He checked with City Clerk who has no record of having it approved. Mr. Williams gave board secretary a one sheet photocopy from the ABC handbook regarding the 500 foot rule and requested it be marked for Counsel. Mr. Williams stated this is not a Plenary Retail Consumption License that is a number 33 this license is a 32 and the ordinance was never adopted properly therefore the 500 foot rule does not apply.

Board attorney advised that the enforcement officer, Lieutenant Roofe, objected. Lieutenant Roofe is sick and unable to attend meeting today.

Mr. Joseph Jones liquor license holder appeared before the board with an objection to this place to place transfer and was sworn in. Mr. Jones stated it is in breach of the 500 foot rule as it is right across the street from his restaurant and said he wrote a letter to the Director of the ABC. Board attorney asked Mr. Jones who he is referring to. Mr. Jones stated he is not sure he had his attorney prepare the letter. Mr. Williams asked Mr. Jones how he checked with the Director of ABC if he does not know his name. Mr. Jones stated that his attorney, Vincent LaPaglia wrote the letter on his behalf. Board attorney asked Mr. Jones if his sole objection is the 500 foot rule to which Mr. Jones responded correct.

Suzanne Hetman was sworn in to testify as she called the State ABC. Per Suzanne, she spoke with the assistant AAG J. Wesley Geiselman who reviews ordinances under state statutes. City of Hoboken studiously submitted this goes back to 1955. Chapter 55 was first approved by the State on December 20, 1955. Other amendments to ordinance, change in fees, and 500 foot rule N.J.S.A. 33:1-40 not required to be approved by the State. Ordinance was codified on January 7, 1955.

**Move to go into closed session** was made by Vice Chairman Blumenfeld, seconded by Commissioner Bauman and approved by both members during roll call vote.

**Move to come out of closed session** was made by Vice Chairman Blumenfeld, seconded by Commissioner Bauman and approved by both members during roll call vote.

Back in open session at 6:53p.m.

Robert Williams asked to make it clear that his client was never advised by Lieutenant Roofe that he objected.

**Move to disapprove for the following reasons** was made by Vice Chairman Blumenfeld: the municipal code as it is precludes your client regardless if it is a 32 or 33 (license type) under the 500 foot rule; and distribution is still a consumption license and the code is clear that there are no exceptions to be made. This was seconded by Commissioner Bauman and approved by both members during roll call vote in terms of not approving the license.

#### **NEW BUSINESS**

No new business.

**Move to close the meeting** was made by Vice Chairman Blumenfeld, seconded by Commissioner Bauman and approved by both members during roll call vote.

The meeting was adjourned at 6:58 p.m.

*(Minutes taken/submitted by D. Amado)*